

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PAVLE ZIVKOVIC	:
	:
	Case No.:
	1:22-cv-07344-GHW
	Plaintiff,
-against-	:
	-----X
VALBELLA AT THE PARK LLC	:
	:
	Defendant.
	:

I, Fred L. Seeman, pursuant to 28 U.S.C. §1746, hereby declare as follows:

1. I am the attorney for the Defendant, Valbella at the Park LLC (hereinafter “VATP”) and non-party, Oak Grove Road LLC (hereinafter “OGR”). As such, I am fully familiar with the facts and circumstances set forth herein.
2. This Declaration is submitted, pursuant to Local Rule 1.4, in support of the application by The Law Offices of Fred L. Seeman, including Fred L. Seeman, Esq., and Ryan Marrano, Esq. to withdraw as counsel of record for both VATP and OGR.
3. In sum, this motion should be granted inasmuch as there has been a breakdown in the attorney client relationship that inhibits our firm’s ability to properly advocate for VATP and OGR.

WITHDRAWAL SHOULD BE GRANTED

4. As set forth in greater detail in the Letter submitted to the Court on July 14, 2023, this action seeks to hold VATP, liable, under the theories of alter ego and successor liability, for the money judgment issued against Laura Christy Midtown LLC in the action entitled Zivkovic v. Laura Christy LLC et. al., Case No.: 17-cv-00553 (hereinafter the “Prior Action”).
5. I filed a Notice of Appearance for VATP on September 19, 2022.
6. Ryan Marrano, Esq., an associate with my firm, filed a Notice of Appearance for VATP on March 21, 2023.

7. Rosey Kalayjian, the manager of VATP, and the ninety (90%) percent owner of OGR has been our firm's primary contact with respect to our representation of both entities.
8. Indeed, in March, 2023, when the Plaintiff's post-judgment collection efforts in the Prior Action were directed at Ms. Kalayjian personally, I appeared on Ms. Kalayjian's behalf in the Prior Action.
9. On or about June 29, 2023, the Plaintiff filed a motion for an attachment in the Prior Action that was accompanied by a Temporary Restraining Order against Ms. Kalayjian.
10. Our office was first served with these papers on Thursday, July 6, 2023.
11. On July 10, 2023, our office was notified, by incoming counsel, that Ms. Kalayjian had terminated our services and had retained new counsel in the Prior Action.
12. It was from a phone call from Ms. Kalayjian's incoming counsel that we first learned of our termination.
13. Over the course of the instant action, as well as our limited involvement in the Prior Action, our firm has represented VATP, OGR and Ms. Kalayjian and advocated for their respective positions.
14. However, in light of our recent, sudden termination by Ms. Kalayjian in the Prior Action, it is clear our attorney-client relationship with Ms. Kalayjian and, by extension, VATP and OGR, no longer has the trust and confidence needed for our firm to effectively communicate with and represent VATP and OGR.
15. When we advised VATP and OGR that we intended to make this application, no objections were voiced.
16. There has been an irreparable breakdown in the attorney-client relationship between our firm, VATP and OGR.

17. Although Ms. Kalayjian has retained new counsel in the Prior Action, we are not aware of any incoming counsel for VATP or OGR in this action.
18. This application is therefore necessary.
19. Accordingly, based upon the foregoing, we respectfully request that the Court grant the motion of The Law Offices of Fred L. Seeman, including Fred L. Seeman, Esq. and Ryan Marrano, Esq., to withdraw as counsel for VATP and OGR and to stay these proceedings for at least thirty (30) days so that VATP may retain new counsel.
20. Neither the Defendant nor this case will be prejudiced by our firm's withdrawal inasmuch as VATP and OGR will be afforded the opportunity to obtain counsel that can readily employ a legal strategy agreeable to both VATP and OGR and expeditiously complete any outstanding issues in this matter.
21. Our firm is not asserting a retaining or charging lien on this action.
22. No prior application has been made for the relief requested herein.

WHEREFORE, The Law Offices of Fred L. Seeman respectfully requests that the Court relieve The Law Offices of Fred L. Seeman, including Fred L. Seeman, Esq. and Ryan Marrano, Esq., as counsel of record for the Defendant, Valbella at the Park LLC and non-party, Oak Grove Road LLC, and stay proceedings in this matter for thirty (30) days to afford said entities a reasonable opportunity to obtain new counsel, together with such other and further relief as the Court deems just and proper.

Dated: New York, New York
July 19, 2023

/s/ Fred L. Seeman
Fred L. Seeman, Esq.